

# STATE OF ALASKA

## DEPARTMENT OF LAW

### OFFICE OF THE ATTORNEY GENERAL

*Sean Parnell, Governor*

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May 29, 2012

#### VIA EMAIL & FIRST CLASS MAIL

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Administrator  
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Mr. Dennis McLerran  
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Office of Environmental Information (OEI) Docket (Mail Code 2822T)  
Docket # EPA-HQ-ORD-2012-0276  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460  
[ORD.Docket@epa.gov](mailto:ORD.Docket@epa.gov)

Re: Request for 120-day Extension of Time on Public Comment Period  
For EPA's Draft "Assessment of Potential Mining Impacts on Salmon Ecosystems  
of Bristol Bay, Alaska;"  
Request that Cited Reference, Bibliography, and Source Data Materials be Posted  
on EPA's Bristol Bay Website;  
Docket # EPA-HQ-ORD-2012-0276

Dear Ms. Jackson and Mr. McLerran:

The State of Alaska requests a 120-day extension of time for the public to provide comments on the draft "Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska" (hereinafter "assessment") that EPA released on Friday, May 17, 2012. The 60-day public review period that ends on July 23<sup>1</sup> is inadequate for the public, including the State, to address the technical and legal merits of the assessment in question. We submit the 120-day extension, with a new comment deadline of Tuesday, November 20, 2012, is warranted for each of the following reasons:

- The three-volume assessment totals more than 1,000 pages. The executive summary, assessment, and nine appendices to the assessment include cited references totaling roughly

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<sup>1</sup> Note: While EPA's website and press comments state that the public comment deadline is July 23, 2012, the list serve notice that EPA circulated on May 18, 2012 states public comments "will be accepted until July 24, 2012."

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2,000 documents that are not contained in the three-volume assessment, but upon which EPA, its contractors, and other agencies apparently relied. In short, this is a voluminous amount of complex information that requires thorough public review and comment. As EPA is well aware, normally such information for a specific proposed project takes several years to gather and be scientifically vetted and scrutinized by multiple state and federal agencies, which has not occurred here.

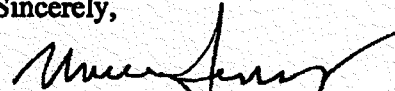
- The peer review members that EPA is empanelling will be studying, meeting, discussing and presumably advising EPA on the sufficiency of this document until early fall. Based on EPA's publicly released information regarding the panel's schedule, presumably the panel will be releasing its findings in September. The public should be allowed to access all of the information generated and considered by this panel (including its findings, comments, conclusions, reference materials, etc.), as well as to question the panel members, so that the panel's information can be probed as part of the public's comments. Thus public comment should close at least 60 days *after* the panel has concluded EPA's charge and the panel's information released. Requiring the public to comment by July 23, well in advance of the release of the panel's information and meetings, and while many Alaskans are engaged in commercial fishing and/or subsistence activities, strikes us as an unnecessary rush to judgment.
- The draft assessment involves important questions of state and federal law, including under the CWA, many of which implicate state rights and a vast amount of state lands. The state, and the public, needs adequate time to study these issues and offer public comment.

In order to allow public commenters, including the State of Alaska, more time to review, analyze, and comment upon EPA's assessment, an extension of a minimum of 120 days is essential. We respectfully ask that this extension be granted.

In closing, the State of Alaska also requests that EPA immediately post on-line at EPA's Bristol Bay website all of the cited reference, bibliography, and source data materials (roughly 2,000 documents) that are listed throughout the executive summary, assessment, and each of the appendices. Readily available, website access to this information is essential to allow for meaningful public comment on EPA's assessment.

Thank you for your prompt attention and response to these requests.

Sincerely,



Michael C. Geraghty  
Attorney General

cc: Via Email & 1<sup>st</sup> Class Mail  
Senator Lisa Murkowski [Kristen\\_Daimler@murkowski.senate.gov](mailto:Kristen_Daimler@murkowski.senate.gov)  
Senator Mark Begich [Nellen\\_Budd@begich.senate.gov](mailto:Nellen_Budd@begich.senate.gov)  
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